

SOLICITOR

JUL 14 2006

U.S. PATENT & TRADEMARK OFFICE

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

NOAH SYSTEMS, INC.,)	Civil Action No. _____
Plaintiff,)	Filed Electronically
)	
vs.)	[JURY TRIAL DEMANDED]
)	
INTUIT INC.,)	
Defendant)	

pat. # 5,875,435

COMPLAINT

Plaintiff, NOAH Systems, Inc. ("NOAH"), through its counsel, Pietragallo, Bosick & Gordon LLP, hereby alleges the following for its complaint against Defendant, Intuit Inc. ("Defendant" or "Intuit"):

THE PARTIES

1. Plaintiff, NOAH, is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania with offices located at 2045 Murdstone Road, Pittsburgh, Pennsylvania 15241.

2. Upon information and belief, Defendant, Intuit, is a corporation organized and existing under the laws of the State of Delaware with offices located at 2535 Garcia Avenue, Mountain View, California 94039. Intuit is doing business, has carried out substantial business, and has had substantial contacts with this judicial district.

JURISDICTION AND VENUE

3. This Complaint alleges patent infringement under the Patent Act, 35 U.S.C. § 271, *et seq.*
4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338, and 2201.
5. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400(b).

PATENT INFRINGEMENT

6. Plaintiff, NOAH, is the owner by assignment of United States Patent No. 5,875,435 (“the ‘435 Patent”), issued February 23, 1999, and titled “Automated Accounting System”. A true and correct copy of the ‘435 Patent is attached hereto as Exhibit A.
7. The ‘435 Patent discloses and claims innovative and valuable inventions relating to financial accounting systems and methods for providing financial accounting statements.
8. Intuit has infringed, contributorily infringed and/or actively induced infringement, and is infringing, contributorily infringing and/or actively inducing infringement of the ‘435 Patent in the United States by at least making, using, offering to sell, selling, importing, causing to be made, causing to be used, causing to be offered for sale, causing to be sold and/or causing to be imported systems and/or methods that infringe one or more of the claims of the ‘435 Patent. Such infringement includes Intuit’s accounting/ledger

products and services, including but not limited to those provided under the "QuickBooks" designation and/or the "Quicken" designation.

9. On information and belief, Intuit's infringement, contributory infringement and/or active inducement of others' infringement of the '435 Patent have taken place with full knowledge of the '435 Patent and has been intentional, deliberate and willful, making this an exceptional case entitling Plaintiff to increased damages and reasonable attorneys' fees pursuant to 35 U.S.C. §§ 284 and 285.

10. By reason of the foregoing, Plaintiff has been damaged and will continue to be damaged, and has suffered and will continue to suffer irreparable loss and harm.

PRAAYER FOR RELIEF

WHEREFORE, Plaintiff, NOAH, prays:

- A) that Intuit, its officers, agents, servants and employees be preliminarily and permanently enjoined from infringing Plaintiff's Patent pursuant to 35 U.S.C. § 283;
- B) that a judgment be entered that Intuit has infringed Plaintiff's Patent;
- C) that Intuit be found liable to Plaintiff for its acts of infringement and be ordered to pay damages pursuant to 35 U.S.C. § 284 as a result of infringement of Plaintiff's Patent, and all damages suffered by Plaintiff as a result of the infringement;
- D) that this case be adjudged and decreed exceptional under 35 U.S.C. § 285 and that Intuit be ordered to pay treble damages and the expense and costs incurred by Plaintiff, including reasonable attorneys' fees;
- E) that Plaintiff be awarded its costs and prejudgment interest on all damages pursuant to 35 U.S.C. § 284; and

F) that Plaintiff be awarded such further relief as the court may deem appropriate.

Respectfully submitted,

Dated: July 14, 2006

/s/ Eric G. Soller

Eric G. Soller

Pa. I.D. No. 65560

Alan G. Towner

Pa. I.D. No. 67984

Eric P. Reif

Pa. I.D. No. 00194

PIETRAGALLO, BOSICK & GORDON LLP

One Oxford Centre – 38th Floor

301 Grant Street

Pittsburgh, PA 15219

Attorneys for Plaintiff

NOAH Systems, Inc.